

UNITED STATES DISTRICT COURT

for the

South eastern District of ColumbusOhio DivisionFILED
RICHARD W. NAGEL
CLERK OF COURT

2022 MAY 31 PM 2:05

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUSAchak Ren Anigunwiga

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. CR 2022-0090

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

2:22 CV 2325

JUDGE WATSON

MAGISTRATE JUDGE SILVAIN

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendants

Sheriff	Matthew Lutz / MATTHEW LUTZ
Deputy	Brice Swiney / BRICE SWINEY
Judge	Mark C. Fleege / MARK C. FLEEGLER
Captain	Jeff LeCocq / JEFF LECOCQ
Captain	David Suci / DAVID SUCI
Prosecutor	John Little / JOHN LITTLE
Prosecutor	Ron Welch / RON WELCH
Nurse	Shelly - denied Plaintiff medical
Attorney	Keith Edwards / KEITH EDWARDS - conflict of interest

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Achal Ben Aniyanniga
 Address 455 Rock Run Road
Philo Ohio 43771
City State Zip Code
 County Muskingum
 Telephone Number 740 270-0875
 E-Mail Address cascooly@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Matthew Lutz / MATTEW LUTZ
 Job or Title (if known) Sheriff
 Address 28 North Fifth Street
Zanesville Ohio 43701
City State Zip Code
 County Muskingum / MUSKINGUM
 Telephone Number 740 452-3637
 E-Mail Address (if known) NA

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Brice Swiney / BRICE SWINEY
 Job or Title (if known) Sheriff Deputy
 Address 28 North Fifth Street
Zanesville Ohio 43701
City State Zip Code
 County Muskingum / MUSKINGUM
 Telephone Number 740-452-3637
 E-Mail Address (if known) NA

☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name Mark C. Fleegle/MARK C. FLEEGLE
 Job or Title (if known) Judge
 Address 401 Main Street
Zanesville Ohio 43701
City State Zip Code
 County Muskingum/MUSKINGUM
 Telephone Number NA
 E-Mail Address (if known) NA

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name Jeff LeCocq/JEFF LECOCQ
 Job or Title (if known) Captain
 Address 28 North Forth Street
Zanesville Ohio 43701
City State Zip Code
 County Muskingum/MUSKINGUM
 Telephone Number NA
 E-Mail Address (if known) NA

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Ohio State Constitution Article I Sections 1, 4, 8, 14, and 16

U.S. Constitution

Violation of I, II, IV and VIII / Violation of Commercial Affidavit with Schedule of Fees
of U.S. Constitution / Filed and Recorded with Frank LaRosa, Secretary of State

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

II and III Basis for Jurisdiction B. and D

On Tuesday, February 8th, 2022 around 6:50 pm, I was traveling south bound on South River Road, near the intersection of South River Rd and Dietz Lane at the posted speed of 55 mph when I noticed emergency lights in my rear view mirror. I hit my 4 way Flashers and pulled to the side of the road. While waiting for the deputy I took out my (NAAIP) National Association for the Advancement of Indigenous People Identification Card and my 'Right to Travel' packet which I contains Affidavits filed with the Secretary of State Frank LaRosa by way of Secured Party/creditor and including my U.C.C Financial Statement which included a Commercial Affidavit with a Schedule of Fees, Affidavit of Reservation of Rights and Affidavit of Sovereignty. I served the Muskingum County Sheriff Matt Lutz as well as the Muskingum County Clerk of Courts Wendy Sowers with the same documents months prior to this event. When the deputy approached the passenger door of my car before the deputy said anything I handed him my documents, he took the documents and said he stopped me because 1 head light was burnt out and my plate light was out. He then said he smelled marijuana and asked if I had any drugs in the car I answered NO. he then asked if I was smoking marijuana I was not but I replied that wasn't his business. He then pulled his weapon and told me the registered owner had a warrant. After that I locked my door and rolled up my window fearing he may shoot me and I called my brother and asked him to record the event. My brother/attorney-in-fact did hear the rest of the event, I asked for his name, he replied Swiney, I asked for his badge # he replied 6045, I ask for a superior Officer and called for back up. Within a few minutes several officers showed up including Sheriff Lutz which I then did exit

upon his request. The Sheriff asked if I had any weapons I replied yes a pistol under my seat, the deputy that made the stop and another deputy did search and recover my pistol, a scale and a herb grinder, that they did take into evidence. The deputy then did a field sobriety test on me then released me. Two months later around 9:00pm, Sheriff deputies did come to my residents and said they had a warrant, while I was securing my dog and getting in contact with my family to inform them of the event the deputies did break my door and threaten to send in a dog in which I then stepped into my living room and they entered the house and handcuffed me, then took me into custody where I have been until this day in Maskingum County Sheriff Jail,

The Sheriff knowingly and willingly violated articles 1, 2, and 4 of the Bill of Rights, and my Commercial, Sovereign, and Reservation of Rights Affidavits.

U.S. Constitution Bill of Rights Amendments I, II, IV, V, VI, VII, VIII, XIII, XIV and XV

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Refused to Recognize Secured Parity Filings that include Commercial Affidavit with Schedule of Fees, Affidavit of Reservation of Rights, and Affidavit of Sovereignty, etc.

Racial Profiling / Driving while Black

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

South River Road intersection of Dietz Lane in Zanesville, Ohio

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Tuesday Feb. 8th, 2022 around 6:50 PM

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached

I was stopped for a head light infraction, The deputy said he smelled marijuana he asked if I had drugs in the car? I said no he asked if I smoked marijuana? I responded, that is known of your concern what I do in my private life. He then drew his weapon and pointed it at me and demanded I get out of my car. Fearing for my life I locked the doors and rolled up the window and called my brother. I asked the deputy for his name and number in which he gave me. I then asked him for his superior officer when he then called for backup. Sheriff Lutz and several other deputies showed up. When the Sheriff showed he asked me to step out which I did follow all of his commands. He asked if I had any weapons? I said yes under the seat, I also told him I do not consent to search or seizure, the 1st deputy did search and find my pistol along with a scale and grinder. They then did a field sobriety test on me and sent me on my way without my property. The deputy did keep my Indigenous ID that I use as identification when I'm not driving commercially and travelling using personal conveyance. My brother was an eyewitness to most of the event.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have been deprived medical for symptoms of diabetes, high blood pressure and deterioration of bones. I use holistic medication for these conditions that I am denied. I check my blood pressure and sugar levels 3 times a day and I had it checked once since arriving to jail. I am experiencing symptoms of all. I have a dog at home alone and rely on the kindness of neighbors and a friend to tend to him. I was in the process of a stopping foreclosure of my property and since being detained unable to address the issue properly without access to my computer and tax forms and information. My home goes to Sheriff auction on 6-18-22 (3) three day before my trial. I work as a contractor and have no income and lost the job I was working. Mental distress and depression, Defamation of Character, Character Assassination, and Slander.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Dismiss all charges for lack of evidence in fact, for lack of jurisdiction, with prejudice. Return all property seized, and stay the Sheriff auction until I complete tax forms and file them to discharge the debt owed to mortgage company. I am a Secured Party and have a Commercial Affidavit with a schedule of Fees and a Affidavit of Reservation of Rights I request monetary relief in accord with the schedule of Fees attached to the commercial Affidavit on filed and Recorded with the Secretary of the State of Ohio Frank La Rosa